

Notice of Allowability

Application No.

09/625,573

Examiner

Christopher Nichols, Ph.D.

Applicant(s)

CHARO ET AL.

Art Unit

1647

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 26 September 2003.
2. ☒ The allowed claim(s) is/are 2,9-17,19 and 20.
3. ☒ The drawings filed on 25 July 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/844669.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

DETAILED ACTION

Status of Application, Amendments, and/or Claims

1. The Response and Amendment filed 26 September 2003 has been entered in full. Claims 1, 3-8, and 18 have been cancelled. Claims 2, 9-17, and 19 have been amended. Claim 29 has been added.

Withdrawn Objections And/Or Rejections

2. The Objection to the Oath/Declaration as set forth at pp. 3 ¶4 of the previous Office Action (30 June 2003) is *withdrawn* in view of further review of the instant Application's record. A proper Oath/Declaration was filed on 25 July 2000.
3. The Objection to the Drawings as set forth at pp. 3 ¶5 of the previous Office Action (30 June 2003) is *withdrawn* in view of Applicant's amendments (26 October 2003).
4. The Objection to the Specification as set forth at pp. 3 ¶6 of the previous Office Action (30 June 2003) is *withdrawn* in view of Applicant's amendments (26 October 2003).
5. The Objection to the Claims as set forth at pp. 4 ¶7 of the previous Office Action (30 June 2003) is *withdrawn* in view of Applicant's amendments (26 October 2003).
6. The Rejection of claims **3-19** under 35 U.S.C. §112 ¶1 as set forth at pp. 4-9 ¶10-20 of the previous Office Action (30 June 2003) is *withdrawn* in view of Applicant's amendments (26 October 2003).
7. The Rejection of claims **2-19** under 35 U.S.C. §112 ¶1 as set forth at pp. 9-11 ¶20-26 of the previous Office Action (30 June 2003) is *withdrawn* in view of Applicant's amendments (26 October 2003).

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8. The Rejection of claims **2** and **3** under 35 U.S.C. §112 ¶2 as set forth at pp. 11-12 ¶27-28 of the previous Office Action (30 June 2003) is *withdrawn* in view of Applicant's amendments (26 October 2003).

9. The Rejection of claims **13**, **14**, and **15** under 35 U.S.C. §112 ¶2 as set forth at pp. 12 ¶29-31 of the previous Office Action (30 June 2003) is *withdrawn* in view of Applicant's amendments (26 October 2003).

EXAMINER'S AMENDMENT

10. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

11. The Title has been amended as follows:

MCP-1 RECEPTOR ANTIBODIES

Allowable Subject Matter

12. Claims **2, 9-17, 19, and 20** are hereby allowed.
13. The following articles, patents, and published patent applications were found by the Examiner during the art search while not relied upon are considered pertinent to the instant application:
 - a. US 6,084,075 (4 July 2000) Lind *et al.*
 - b. US 2003/0113798 A1 (19 June 2003) Burner *et al.*
 - c. US 2003/0186889 A1 (2 October 2003) Forssmann *et al.*
 - d. US 2002/0038469 A1 (28 March 2002) Dean *et al.*

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Christopher James Nichols, Ph.D.** whose telephone number is 703-305-3955. The examiner can normally be reached on Monday through Friday, 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Gary Kunz, Ph.D.** can be reached on 703-308-4623. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications. The fax phone numbers for the customer service center is 703-872-9305.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Elizabeth C. Kimmner

CJN
December 4, 2003

ELIZABETH KIMMNER
PENDING EXAMINER